

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THEOPHALIS (BINKY) WILSON,)	CIVIL ACTION
<i>Plaintiff</i>)	
)	
v.)	Case No. 2:21-cv-02057-JMY
)	
CITY OF PHILADELPHIA,)	
PENNSYLVANIA, ET AL.,)	
<i>Defendants.</i>)	
)	

ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of Defendant Jessie R. Schol's Uncontested Motion for an Extension of Time to Answer, Plead, or Otherwise Move in Response to Plaintiff's Amended Complaint, it is hereby ORDERED that the time for Defendant Schol to answer, plead or otherwise move is extended from March, 18, 2022 to and including April 27, 2022.

BY THE COURT:

JUDGE JOHN MILTON YOUNGE

Defendant Jessie R. Schol, as personal representative of the estate of William Schol (hereinafter “Defendant” or “Schol”), through undersigned Officer of the Court, hereby moves this Court to enter an Order extending the time for Defendant to answer, plead or otherwise move in response to Plaintiff Theophalis Wilson’s (“Plaintiff”) Amended Complaint by thirty-five (35) days from March 18, 2022 to April 27, 2022. In support thereof, Defendant avers:

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2. Ms. Schol was served with the Amended Complaint on February 25, 2022. Consequently, her response is imminently due on March 18, 2022. As of today, Ms. Schol is *Pro Se*.

3. Ms. Schol contacted our firm a few days after receiving the Amended Complaint to inquire concerning representation. Her choice of counsel is greatly influenced by her ability to afford counsel. Before exposing Ms. Schol to the potential significant expense of hiring her own counsel in this matter my firm wanted to explore the possibility for the City of Philadelphia (the “City”) to represent her in this matter. Based upon our review of the Pennsylvania Tort Claims Act, 42 Pa. Stat. and Cons. Stat. Ann. § 8547(a), it appears that the City has an obligation to indemnify Ms. Schol, as the allegations in the Amended Complaint clearly relate to actions taken by her deceased husband that were within the scope of his employment as a City police officer. *See also* City Home Rule Charter § 4-400(b); Philadelphia City Code §§ 20-701, 20-702. At this time we do not represent Ms. Schol, as we remain hopeful that the City will ultimately do so. However, as officers of the court we offered to contact the City for Ms. Schol to ascertain their willingness to provide a defense.

4. Despite multiple emails and phone calls to various individuals at the City of Philadelphia Law Department—including a phone call and voicemail to Deputy City Solicitor Danielle E. Walsh—the City has unfortunately not provided a substantive reply demonstrating their willingness to provide a defense. Ms. Schol’s ability to afford counsel, and thus her choice of counsel, will depend upon the City’s willingness to defray the costs. The answer to that question is unknown as of today, and so Ms. Schol remains without counsel. My firm may or may not ultimately represent Ms. Schol, depending upon what the City ultimately decides.

5. Given the uncertainty of Ms. Schol's representation status and to further pursue the City's ability to provide her with a defense Plaintiff's counsel was contacted and assented to the request for an extension of time until April 27, 2022 to answer, plead, or otherwise move in response to Plaintiff's Amended Complaint. As such, no prejudice or material delay will occur as a result of granting the extension.

WHEREFORE, Defendant Jessie R. Schol, as personal representative of the estate of William Schol respectfully moves this Honorable Court to enter an Order extending the time for Defendant to answer, plead or otherwise move in response to Plaintiff's Amended Complaint from March 18, 2022 to April 27, 2022.

/s/ Maximillian A. Schultz
Maximillian A. Schultz

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As an Officer of the Court

Dated: March 17, 2022

CERTIFICATE OF UNCONTESTED MOTION

Pursuant to Local Rule 7.1(b), I, Maximillian A. Schultz, Esquire, certify that Defendant Jessie R Schol's Motion for an Extension of Time to Answer, Plead, or Otherwise Move in Response to Plaintiff's Amended Complaint is uncontested. Approval to Defendant Jessie R. Schol's request for an extension of time from March 18, 2022 to April 27, 2022 was given to Maximillian A. Schultz, Esquire by Michael Abrams, Esquire on behalf of Plaintiff.

/s/ Maximillian A. Schultz
Maximillian A. Schultz

Dated: March 17, 2022

CERTIFICATE OF SERVICE

I, Maximillian A. Schultz, Esquire, do hereby certify that as an Officer of the Court, on behalf of the Defendant Jessie R. Schol, as personal representative of the estate of William Schol, I have served a true and correct copy of the foregoing Motion for an Extension of Time to Answer, Plead, or Otherwise Move in Response to Plaintiff's Amended Complaint electronically this 17th day of March, 2022, using the Court's Electronic Filing System and is available via electronic download by all counsel for all parties.

By: /s/ Maximillian A. Schultz
Maximillian A. Schultz

March 17, 2022